Carrify this to the introduction comment as referred or transmitted to committee.

Ohiof Clock of the House

FILEU MAR 12 1999

Ву	Walker	

<u>H</u>B. No. 3330

A BILL TO BE ENTITLED

AN ACT

2	relating to the administration of regulations for water well
3	drillers and water well pump installers.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Section 32.010, Water Code, is amended by adding
6	Subsection (b) to read as follows:
7	(b) Grounds for revocation, suspension, placement on
8	probation, or reprimand under Subsection (a) include:
9	(1) intentionally misstating or misrepresenting a fact
10	on an application or well log or to a person for whom a well is
11	being drilled, deepened, or otherwise altered;
12	(2) failing to keep and transmit well logs as required
13	by Section 32.005;
14	(3) failing to advise a person for whom a well is
15	being drilled that:
16	(A) injurious water has been encountered;
17	(B) the water is a pollution hazard; and
18	(C) the well must be immediately plugged in an
19	acceptable manner;
20	(4) failing to complete a well in accordance with
21	standards and procedures adopted by the department; or
22	(5) being an incompetent driller.
23	SECTION 2. Section 32.011, Water Code, is amended by adding

24

Subsection (c) to read as follows:

(c) An administrative penalty may be assessed under this section only after the person charged with a violation has been given an opportunity for a public hearing.

SECTION 3. Section 32.014(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(b) All money collected by the department under this chapter shall be deposited to the credit of the <u>water well drillers</u> [commission--occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.

SECTION 4. Section 33.012(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(b) All money collected by the department under this chapter shall be deposited to the credit of the <u>water well drillers</u> [commission-occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its

passage, and it is so enacted.

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HOUSE COMMITTEE REPORT 39 APR -8 PANDONS 88E NO F LANGE

1st Printing

By Walker

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SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an imperative public necessity that the emergency and an constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after

passage, and it is so enacted.

1	COMMITTEE AMENDMENT NO. 1
2	Amend HB 3330 as follows:
3	On page 1, line 14, insert a new subsection to read:
4	(3) failing to register a well as required by Section
5	36.117(g), Water Code.
6	Renumber subsequent subsections (3)-(5) accordingly.
7	Lewis of Orange

COMMITTEE REPORT

The Honorable James E. "Pete" Laney Speaker of the House of Representatives

3/24/99 (date)

Sir:					
We, your COMMITT	EE ON NATUR	AL RESOURCES			
to whom was referre	ed <u> </u>	335 <i>0</i> t	have had the	same under conside	eration and beg to report
() do pass, without do pass, with a () do pass and be	mendment(s).	complete Committe	ee Substitute is recomm	ended in lieu of the	original measure.
(V) yes () no	A fiscal note wa	s requested.			
() yes (no	A criminal justic	e policy impact sta	itement was requested.		
() yes (/ no	An equalized ed	lucational funding	impact statement was re	equested.	
() yes (no	An actuarial and	alysis was request	ed.		
() yes (no	A water develop	ment policy impac	ct statement was reques	ted.	
() yes (no	A tax equity not	e was requested.			
(The Committee	recommends th	at this measure be	e sent to the Committee	on Local and Cons	ent Calendars.
For Senate Measur	es: House Spor	nsor			
Joint Sponsors		,	,	,	
00-оронзогз					
The measure was re	eported from Co	mmittee by the foll AYE	owing vote:	PNV	ABSENT
Counts, Chair					
King, T., Vice-cha	ir				
Cook		~			
Corte		~			
Hamric					
Lewis, R.					
Puente					
Shields					
Walker					
Total	aye		Lau	down	13
	nay		CHAIR		
	<i>a</i> .	sent, not voting			
	abs	ent			

BILL ANALYSIS

Office of House Bill Analysis

H.B. 3330 By: Walker Natural Resources 3/29/1999 Committee Report (Amended)

BACKGROUND AND PURPOSE

H.B. 3330 modifies the grounds for water well driller license revocation, suspension, and reprimand. This bill modifies the enforcement process, allows administrative penalties for violations, and sets a time limit on the right to contest an order issued by the Texas Commission on Licensing and Regulation. This bill provides that all money collected under this chapter is to be deposited to the water well drillers account.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 32.010, Water Code, by adding Subsection (b), as follows:

(b) Provides that grounds for revocation, suspension or reprimand of a water well driller's license include intentionally misstating or misrepresenting a fact on an application or well log or to a person for whom a well is being drilled, deepened, or otherwise altered, failing to keep and transmit well logs, failing to advise a person for whom a well is being drilled of specified hazards, failing to complete a well in accordance with standards and procedures, or being an incompetent driller.

SECTION 2. Amends Section 32.011, Water Code, by adding Subsection (c), as follows:

(c) Authorizes the assessment of an administrative penalty only after the person charged with a violation has been given an opportunity for a public hearing.

SECTION 3. Amends Section 32.014(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, to require that money collected under this chapter is to be deposited to the credit of the water well drillers account, rather than the commission occupational licensing account.

SECTION 4. Amends Section 32.012(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, to require that money collected under this chapter is to be deposited to the credit of the water well drillers account, rather than the commission occupational licensing account.

SECTION 5. Emergency clause. Effective date: upon passage.

EXPLANATION OF AMENDMENTS

Committee Amendment Number 1.

Adds a new Subdivision (3) to provide that failing to register a well is an additional ground for revocation, suspension, placement on probation, or reprimand.

SUMMARY OF COMMITTEE ACTION

HB 3330

March 24, 1999 2:00PM or upon adjournment
Considered in public hearing
Amendment(s) considered in committee
Testimony taken in committee
Recommended to be sent to Local & Consent
Reported favorably as amended

WITNESS LIST

HB 3330 HOUSE COMMITTEE REPORT Natural Resources Committee

March 24, 1999 - 2:00PM or upon adjournment

Bowers, Richard (North Plains Ground Water Conservation For:

District No. 2)

Everheart, Harvey (Self and Mesa Underground Water Conservation District)
Tredway, C. J. (Texas Oil and Gas Association)
Tucker, Durwood (Texas Farm Bureau)
Wiley, Steve (Texas Department of Licensing and On:

Regulation)

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 25, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3330 by Walker (relating to the administration of regulations for water well drillers and water well pump installers), Committee Report 1st House, as amended

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

JK, DE

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LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 23, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3330 by Walker (Relating to the administration of regulations for water well drillers

and water well pump installers.), As Introduced

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 582 Natural Resource

Conservation Commission, 580 Water Development Board, 304

Comptroller of Public Accounts

LBB Staff: JK, DE, CB



LIST OF HOUSE AMENDMENTS CONSIDERED TODAY HB3330-Second Reading

AMENDMENT#	AUTHOR	<u>DESCRIPTION</u>	ACTION
1	Lewis, R.	Comm Amdt	Adopted



ADOPTED

APR 1 6 1999

Sharon Carder
Chist Cierk
Mouse of Representatives

FLOOR ATHEREMENT NO.

COMMITTEE AMENDMENT NO.___1__
By Ron Lewis

HOUSE ENGROSSMENT

/ H.B. No. 3330

By Walker

1

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AN ACT

2	relating to the administration of regulations for water well
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11	being drilled, deepened, or otherwise altered;
12	(2) failing to keep and transmit well logs as required
13	by Section 32.005;
14	(3) failing to register a well as required by Section
15	36.117(g), Water Code;
16	(4) failing to advise a person for whom a well is
17	being drilled that:
18	(A) injurious water has been encountered;
19	(B) the water is a pollution hazard; and
20	(C) the well must be immediately plugged in an
21	acceptable manner;
22	(5) failing to complete a well in accordance with
23	standards and procedures adopted by the department; or
24	(6) being an incompetent driller.

SECTION 2. Section 32.011, Water Code, is amended by adding Subsection (c) to read as follows:

- (c) An administrative penalty may be assessed under this section only after the person charged with a violation has been given an opportunity for a public hearing.
- SECTION 3. Section 32.014(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:
- (b) All money collected by the department under this chapter shall be deposited to the credit of the <u>water well drillers</u> [commission-occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.
- SECTION 4. Section 33.012(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:
- (b) All money collected by the department under this chapter shall be deposited to the credit of the <u>water well drillers</u> [commission--occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.
- SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several

- days in each house be suspended, and this rule is hereby suspended,
- 2 and that this Act take effect and be in force from and after its
- 3 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD Austin, Texas

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Source Agencies:

LBB Staff:

JK, DE

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Conservation Commission, 580 Water Development Board, 304

Comptroller of Public Accounts

LBB Staff: JK, DE, CB



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By: Walker (Senate Sponsor - Duncan)

(In the Senate - Received from the House April 19, 1999;

April 20, 1999, read first time and referred to Committee on
 1-1
 1-2
1-3
          Natural Resources; May 10, 1999, reported favorably, as amended, by the following vote: Yeas 6, Nays 0; May 10, 1999, sent to
 1 - 4
 1-5
 1 - 6
          printer.)
                                                                       By:
                                                                             Armbrister
          COMMITTEE AMENDMENT NO. 1
 1-7
          1. Amend H.B. 3330 by deleting proposed subdivision (b)(3) of Section 32.010, Water Code, at page 1, lines 49 and 50, and
 1-8
 1 - 9
          renumbering subsequent sections appropriately.
1 - 10
1 - 11
          COMMITTEE AMENDMENT NO. 2
                                                                       By:
                                                                             Armbrister
               Amend H.B. 3330 as follows:
1-12
                 a) By adding a new SECTION 1 at page 1, line 40 to read as
1-13
          follows and renumbering subsequent SECTIONs appropriately:
1 - 14
1-15
                 SECTION 1. Sec. 32.002, Water Code,
                                                                is amended by adding
1-16
          subsection (k) to read as follows:
                 (k) This Section does not apply to a
                   cores or constructs a dewatering well or system to remove
1-17
          water for the purposes of constructing a highway, road, bridge,
1-18
1-19
          drainage, or underground utility project.
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1 - 21
                 b) By adding a new SECTION 6 at page 2, line 24 to read as
          follows and renumbering subsequent SECTIONs appropriately:
1-22
1-23
                 SECTION 6. Sec. 33.002, Water Code, is amended
1-24
          subsection (j) to read as follows:
1 - 25
                       This section does not apply to a person who installs or
                 (i)
1-26
          repairs well pumps and equipment to remove water for the purposes
          of constructing a highway, road, bridge, drainage, or underground
1 - 27
          utility project.
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1-29
          COMMITTEE AMENDMENT NO. 3
                                                                       By:
                                                                             Armbrister
          Amend H.B. 3330, House engrossed version, as follows: On page 1, line 56 add the word "or" after the semicolon. On page 1, line 58, after the word "department", delete ";
1-30
1-31
1-32
1-33
          replace it with a period.
1 - 34
          On page 1, line 59, delete subsection (6) in its entirety.
1-35
                                     A BILL TO BE ENTITLED
1 - 36
                                             AN ACT
1 - 37
          relating to the administration of regulations for
                                                                             water well
          drillers and water well pump installers.
1-38
                 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1 - 39
                 SECTION 1. Section 32.010, Water Code, is amended by adding
1-40
          Subsection (b) to read as follows:
1 - 41
                                         revocation,
1-42
                                  for
                       Grounds
                                                         suspension,
                                                                         placement
1-43
          probation, or reprimand under Subsection (a) include:
1 - 44
                         (1) intentionally misstating or misrepresenting a fact
          on an application or well log or to a person for being drilled, deepened, or otherwise altered;
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                                                                    whom a well is
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1-47
                         (2) failing to keep and transmit well logs as required
                       32.005;
1-48
          by Section
1-49
                         (3)
                              failing to register a well as required by Section
1-50
                       Water Code;
          36.117(g),
1-51
                         (4) failing to advise a person for whom a well is
1-52
          being drilled that:
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                                (A)
                                     injurious water has been encountered;
                                (A) injurious water has seen (B) the water is a pollution hazard; and (C) the well must be immediately plugged in an
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          1-57
                                                                in accordance with
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           standards and procedures adopted by the department; or
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                              being an incompetent driller.
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Section 32.011, Water Code, is amended by adding SECTION 2. Subsection (c) to read as follows:

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?-29 ?-30

2-31

(c) An administrative penalty may be assessed under this section only after the person charged with a violation has been given an opportunity for a public hearing.

SECTION 3. Section 32.014(b), Water Code, as amended by

Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(b) All money collected by the department under this chapter shall be deposited to the credit of the water well drillers [commission--occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.

SECTION 4. Section 33.012(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(b) All money collected by the department under this chapter be deposited to the credit of the water well drillers shall [commission-occupational-licensing] account in the general fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in

the account to cover administrative costs of the department.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

FAVORABLY AS AMENDED SENATE COMMITTEE REPORT ON SB SCR SJR SR HB HCR HJR 33

We, your Committee onNATURAL RESOU	RCES	_, to which was	referred the atta	ched measure
have on 5-10-99 , had			and I am instruc	
(date of hearing) back with the recommendation (s) that it:				oca to report r
do pass with amendments, and be printe	d			
() do pass with amendments, and be ordered	ed not printed			
and is recommended for placement on the Local an	d Uncontested	Bills Calendar.		
A fiscal note was requested. yes ()	no			
A revised fiscal note was requested.	no			
An actuarial analysis was requested. () yes	no			
Considered by subcommittee. () yes	\no			
The measure was reported from Committee by the follow	wing vote:			
	YEA	NAY	ABSENT	PNV
Senator Brown, Chairman	Y.			
Senator Armbrister, Vice-Chairman	X			
Senator Barrientos	X			
Senator Bivins	X			
Senator Haywood	×			
Senator Lucio	×			
Senator Ratliff			X	
TOTAL VOTES	10		 	
			<u> </u>	
			٠	
COMMIT	TTEE ACTIO	<u>N</u>		
S260 Considered in public hearing S270 Testimony taken	\mathcal{M}_{1}	<i>(</i>)	<i>)</i>	
COMMITTEE CLERK	/_/// CHAIRMAN	KUUW.		
Paper clip the original and one copy of this signed form to the original bill along		copies of each commit	tee amandment adontos	1.
Retain one copy of this form for Committee files	g	proo or came committee	amonument adopted	•

BILL ANALYSIS

Senate Research Center

H.B. 3330 By: Walker (Duncan) Natural Resources 5/9/1999 Committee Report (Amended)

DIGEST

Currently, Chapter 32 of the Water Code regulates water well drillers. This bill would modify the grounds for water well driller license revocation, suspension, and reprimand, and would modify the enforcement process, allowing for administrative penalties for violations, and would set a time limit on the right to contest an order issued by the Texas Commission on Licensing and Regulation.

PURPOSE

As proposed, H.B. 3330 modifies the grounds for water well driller license revocation, suspension, and reprimand, and modifies the enforcement process, allowing for administrative penalties for violations, and sets a time limit on the right to contest an order issued by the Texas Commission on Licensing and Regulation.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 32.002, Water Code, by adding Subsection (k), to provide that this section does not apply to a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project.

SECTION 2. Amends Section 32.010, Water Code, by adding Subsection (b), to provide that grounds for revocation, suspension, or reprimand of a water well driller's license include intentionally misstating or misrepresenting a fact on an application or well log or to a person for whom a well is being drilled, deepened, or otherwise altered; failing to keep and transmit well logs; failing to advise a person for whom a well is being drilled of specified hazards; or failing to complete a well in accordance with standards and procedures.

SECTION 3. Amends Section 32.011, Water Code, by adding Subsection (c), to authorize the assessment of an administrative penalty only after the person charged with a violation has been given an opportunity for a public hearing.

SECTION 4. Amends Section 32.014(b), Water Code, to require money collected under this chapter to be deposited to the credit of the water well drillers account, rather than the commission occupational licensing account.

SECTION 5. Amends Section 32.012(b), Water Code, to require money collected under this chapter to be deposited to the credit of the water well drillers account, rather than the commission occupational licensing account.

SECTION 6. Amends Section 33.002, Water Code, by adding Subsection (j), to provide that this section does not apply to a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project.

SECTION 7. Emergency clause. Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 32.002, Water Code, by adding Subsection (k), to provide that this section does not apply to a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project. Redesignates proposed SECTION 1 as SECTION 2, and renumbers subsequent SECTIONS appropriately.

SECTION 2.

Amends Section 32.010(b), Water Code, to delete text providing that grounds for revocation, suspension, or reprimand of a water well driller's license include failing to register a well, and being an incompetent driller. Makes conforming changes.

SECTION 6.

Amends Section 33.002, Water Code, by adding Subsection (j), to provide that this section does not apply to a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project. Redesignates proposed SECTION 6 as SECTION 7.

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

May 7, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB 3330 by Walker (relating to the administration of regulations for water well drillers

and water well pump installers), Committee Report 2nd House, as amended

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JK, DE

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

May 5, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB 3330 by Walker (Relating to the administration of regulations for water well drillers

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Local Government Impact

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Source Agencies:

LBB Staff:

JK, DE

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 25, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3330 by Walker (relating to the administration of regulations for water well drillers

and water well pump installers), Committee Report 1st House, as amended

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JK, DE

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 23, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3330 by Walker (Relating to the administration of regulations for water well drillers and water well pump installers.), As Introduced

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 582 Natural Resource

Conservation Commission, 580 Water Development Board, 304

Comptroller of Public Accounts

LBB Staff: JK, DE, CB

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN SENATE COMMITTEE ON ADMINISTRATION	and T.
SENATE COMMITTEE ON ADMINISTRATION Notice is hereby given that	
was heard by the $MA iROS^{(Bill No.)}$	(Author/Sponsor) Committee on, 1999,
and reported out with the recommendation that it be p	placed on the Local and Uncontested Calendar.
	Carold M. Sural

IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BILL OR RESOLUTION (COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE, E1.714 DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.

(Clerk of the reporting committee)

6

COMMITTEE AMENDMENT TO H.B. 3330

1	Commi	ittee Amendment # by:
2		
3	1.	Amend H.B. 3330 by deleting proposed subdivision (b)(3) of
4		Section 32.010, Water Code, at page 1, lines 14 and 15, and
5		renumbering subsequent sections appropriately.

ADOPTED

MAY 17 1999

Secretary of the Senati

COMMITTEE AMENDMENT TO H.B. 3330

20

1	Committee Amendment #
2	
3	1. Amend H.B. 3330 as follows:
4	a) By adding a new SECTION 1 at page 1 , line 5 to read as
5	follows and renumbering subsequent SECTIONs appropriately:
6	SECTION 1. Sec. 32.002, Water Code, is amended by adding
7	subsection (k) to read as follows:
8	(k) This Section does not apply to a person who drills,
9	bores, cores or constructs a dewatering well or system to remove
10	water for the purposes of constructing a highway, road, bridge,
11	drainage, or underground utility project.
12	b) By adding a new SECTION 6 at page 2, line 24 to read as
13	follows and renumbering subsequent SECTIONs appropriately:
14	SECTION 6. Sec. 33.002, Water Code, is amended by adding
15	subsection (j) to read as follows:
16	(j) This section does not apply to a person who installs or
17	repairs well pumps and equipment to remove water for the purposes
18	of constructing a highway, road, bridge, drainage, or underground
19	utility project.

ADOPTED

MAY 17 1999

Secretary of the Senate

Committee Amendment No.

- 1 Amend H.B. 3330, House engrossed version, as follows:
- \sim 2 On page 1, line 21 add the word "or" after the semicolon.
- 3 On page 1, line 23, after the word "department", delete ";or"
 - 4 and replace it with a period.
 - 5 On page 1, line 24, delete subsection (6) in its entirety.

ADOPTED

MAY 17 1999

Secretary of the Senate

SENATE AMENDMENTS

SE OF REPRESENTAN

2nd Printing

By Walker

1

H.B. No. 3330

A BILL TO BE ENTITLED

AN ACT

2	relating to the administration of regulations for water well
3	drillers and water well pump installers.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Section 32.010, Water Code, is amended by adding
6	Subsection (b) to read as follows:
7	(b) Grounds for revocation, suspension, placement on
8	probation, or reprimand under Subsection (a) include:
9	(1) intentionally misstating or misrepresenting a fact
10	on an application or well log or to a person for whom a well is
11	being drilled, deepened, or otherwise altered;
12	(2) failing to keep and transmit well logs as required
13	by Section 32.005;
14	(3) failing to register a well as required by Section
15	36.117(g), Water Code;
16	(4) failing to advise a person for whom a well is
17	being drilled that:
18	(A) injurious water has been encountered;
19	(B) the water is a pollution hazard; and
20	(C) the well must be immediately plugged in an
21	acceptable manner;
22	(5) failing to complete a well in accordance with
23	standards and procedures adopted by the department; or
24	(6) being an incompetent driller.

SECTION 2. Section 32.011, Water Code, is amended by adding
Subsection (c) to read as follows:

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- (c) An administrative penalty may be assessed under this section only after the person charged with a violation has been given an opportunity for a public hearing.
- SECTION 3. Section 32.014(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:
- (b) All money collected by the department under this chapter shall be deposited to the credit of the <u>water well drillers</u> [commission-occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.
- SECTION 4. Section 33.012(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:
- (b) All money collected by the department under this chapter shall be deposited to the credit of the <u>water well drillers</u> [commission--occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.
- this legislation and SECTION 5. The importance of in both houses create an crowded condition of the calendars that the imperative public necessity emergency and an several constitutional rule requiring bills to be read on three

- days in each house be suspended, and this rule is hereby suspended,
- 2 and that this Act take effect and be in force from and after its
- 3 passage, and it is so enacted.

the day

COMMITTEE AMENDMENT TO H.B. 3330

1	Commi	ittee Amendment #by:
2		
3	1.	Amend H.B. 3330 by deleting proposed subdivision (b)(3) of
4		Section 32.010, Water Code, at page 1, lines 14 and 15, and
5		renumbering subsequent sections appropriately.
6		

ADOPTED

MAY 17 1999

Letty Ling

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7	subsection (k) to read as follows:
8	(k) This Section does not apply to a person who drills,
9	bores, cores or constructs a dewatering well or system to remove
10	water for the purposes of constructing a highway, road, bridge,
11	drainage, or underground utility project.
12	b) By adding a new SECTION 6 at page 2, line 24 to read as
13	follows and renumbering subsequent SECTIONs appropriately:
14	SECTION 6. Sec. 33.002, Water Code, is amended by adding
15	subsection (j) to read as follows:
16	(j) This section does not apply to a person who installs or
17	repairs well pumps and equipment to remove water for the purposes
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ADOPTED

MAY 17 1999

Secretary of the Senate

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Committee Amendment No.

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- 2 On page 1, line 21 add the word "or" after the semicolon.
- 3 On page 1, line 23, after the word "department", delete ";or"
- 4 and replace it with a period.
- 5 On page 1, line 24, delete subsection (6) in its entirety.

ADOPTED

MAY 17 1999

Secretary of the Senate

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

May 7, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB 3330 by Walker (relating to the administration of regulations for water well drillers

and water well pump installers), Committee Report 2nd House, as amended

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JK, DE

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

May 5, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB 3330 by Walker (Relating to the administration of regulations for water well drillers

and water well pump installers.), As Engrossed

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

JK, DE

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 25, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3330 by Walker (relating to the administration of regulations for water well drillers

and water well pump installers), Committee Report 1st House, as amended

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff:

JK, DE

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 23, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3330 by Walker (Relating to the administration of regulations for water well drillers

and water well pump installers.), As Introduced

No significant fiscal implication to the State is anticipated.

Local Government Impact

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Source Agencies: 452 Department of Licensing and Regulation, 582 Natural Resource

Conservation Commission, 580 Water Development Board, 304

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LBB Staff: JK, DE, CB

ENROLLED

H.B. No. 3330

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4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
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8	bores, cores, or constructs a dewatering well or system to remove
9	water for the purposes of constructing a highway, road, bridge,
10	drainage, or underground utility project.
11	SECTION 2. Section 32.010, Water Code, is amended by adding
12	Subsection (b) to read as follows:
13	(b) Grounds for revocation, suspension, placement on
14	probation, or reprimand under Subsection (a) include:
15	(1) intentionally misstating or misrepresenting a fact
16	on an application or well log or to a person for whom a well is
17	being drilled, deepened, or otherwise altered;
18	(2) failing to keep and transmit well logs as required
19	by Section 32.005;
20	(3) failing to advise a person for whom a well is
21	being drilled that:
22	(A) injurious water has been encountered;
23	(B) the water is a pollution hazard; and
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AN ACT

relating to the administration of regulations for water well

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ac	ce	pt	ab	le	mann	er	;	or

- (4) failing to complete a well in accordance with standards and procedures adopted by the department.
- SECTION 3. Section 32.011, Water Code, is amended by adding Subsection (c) to read as follows:
- (c) An administrative penalty may be assessed under this section only after the person charged with a violation has been given an opportunity for a public hearing.
- SECTION 4. Section 32.014(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:
- (b) All money collected by the department under this chapter shall be deposited to the credit of the <u>water well drillers</u> [commission--occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.
- SECTION 5. Section 33.012(b), Water Code, as amended by Chapters 333 and 1077, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:
- (b) All money collected by the department under this chapter shall be deposited to the credit of the <u>water well drillers</u> [commission-occupational-licensing] account in the general revenue fund and may be used only to administer this chapter. The department shall allocate not more than 20 percent of the money in the account to cover administrative costs of the department.
 - SECTION 6. Section 33.002, Water Code, is amended by adding

H.B. No. 3330

Subsection (j) to read as follows:

(j) This section does not apply to a person who installs or repairs well pumps and equipment to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

H.B. No. 3330

President of the Senate Speaker of the House
I certify that H.B. No. 3330 was passed by the House on April
16, 1999, by the following vote: Yeas 136, Nays 0, 2 present, not
voting; and that the House concurred in Senate amendments to H.B.
No. 3330 on May 19, 1999, by the following vote: Yeas 144, Nays 0,
1 present, not voting.
Chief Clerk of the House
I certify that H.B. No. 3330 was passed by the Senate, with
amendments, on May 17, 1999, by the following vote: Yeas 30, Nays
0.
Secretary of the Senate
APPROVED:
Date
Governor

President of the Senate	Speaker of the House
I certify that H.B. No. 33	was passed by the House on
<u>april 16</u>	1999, by the following vote:
Yeas 136, Nays 0, 2 preserv	
(0)	Senate amendments to H.B. No. 3330
	, 1999, by the following vote:
Yeas 144, Nays _ C, preser	
	Chief Clerk of the House
**** Preparation: CT31;	
I certify that H.B. No. $\frac{33}{6}$	$\frac{330}{1)}$ was passed by the Senate, with
amendments, on May 17 (2)	, 1999, by the
following vote: Yeas $\frac{3C}{(3)}$, Nay	
	Secretary of the Senate
APPROVED:	
Date	·
Governor	

**** Preparation: CT32;

	2220
H.B. No.	227

By Walker

A BILL TO BE ENTITLED AN ACT

Relating to the administration of regulations for water well drillers and water well pump installers.

MAR 1 2 1999	Filed with the Chief Clerk
MAR 1 6 1999	Natural Resources Read first time and referred to Committee on
MAR 2 4 1999	Reportedfavorably (as America)
APR 0 6 1999	Sent to Committee on (Colombia) (Local & Consent Calendars)
APR 1 6 1999	Read second time (amended); passed to third reading (failed) by a (non-record vote)
	Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
APR 1 6 1999	Read third time (canadad); finally passed (failed to pass) by a (canadad)
APR 1 9 1999	(record vote of 136 yeas, nays, 2 present, not voting) Engrossed
APR 1 9 1999	Sent to Senate Survey Survey
OTHER HOUSE ACTIO	CHIEF CLERK OF THE HOUSE N:
A PR 19 1999	Received from the House
AFR 2.0 1949	Read and referred to Committee onNATURAL_RESOURCES
MAY 1 0 1999	Reported favorably
	Reported adversely, with favorable Committee Substitute; Committee Substitute read first time
	Ordered not printed
MAY 1 7 1999	Laid before the Senate
	Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) (
MAY 1 7 1999	Read second time, and passed to third reading by (ananimous consent) (a viva voce vote)
22 L 2 1999	Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays
<u> </u>	Read third time,, and passed by (a viva voce vote) - (30 yeas, Q nays)
May 17, 1999 OTHER SENATE ACTIO	Returned to the House SECRETARY OF THE SENATE

MAY 1 7 1999	Returned from the Senate (with amendments)
MAY 1 9 1999	House concurred in Senate amendments by a (senated vete) (record vote of 144 yeas,
	House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of
· · · · · · · · · · · · · · · · · · ·	House conferees appointed:, Chair;,
	Senate granted House request. Senate conferees appointed:, Chair
	Conference committee report adopted (rejected) by the House by a (non-record vote) (record vote of yeas, nays, present, not voting)
**************************************	Conference committee report adopted (rejected) by the Senate by a (viva voce vote) (record vote of yeas, nays)

HOUSE OF REPRESENTATIVE. 39 HAY 18 AM 7: 44

HOUSE OF REPRESENTATION 99 NPR -5 PM 10: 23

3330